IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1400 of 2005

Between:

1. Sri Gandaiah Jadav S/o Late Mysaiah
   R/o 16-2-147/55/A, Anandnagar, Malakpet, Hyderabad.
2. Sri J.Satyanarayana S/o Sri J.Gandaiah,
   R/o 16-2-147/55/A, Anandnagar, Malakpet, Hyderabad.
3. Sri J.Nageswara Rao S/o Sri J.Gandaiah
   R/o 16-2-147/55/A, Anandnagar, Malakpet, Hyderabad.
4. Sri J.Krishen Rao S/o Sri J.Gandaiah
   R/o 16-2-147/55/A, Anandnagar, Malakpet, Hyderabad.
5. Sri J. Srisailam S/o Sri J.Gandaiah
   R/o 16-2-147/55/A, Anandnagar, Malakpet, Hyderabad.

..... PETITIONERS

AND

1. The Collector, Ranga Reddy District.
   Lakdi-Ka-Pool, Hyderabad.

2. The Mandal Revenue Officer Uppal Mandal, Ranga Reddy District
   Uppal.

3 The Commissioner L.B.Nagar Municipality,
   Ranga Reddy District. L.B.Nagar.

4 The Hyderabad Urban Development Authority, Begumpet, Hyderabad.

5 Sri Somnath Singh, S/o Sri Durga Singh,
   Mohan Nagar Colony, Uppal, Ranga Reddy District.

6 Sri Raghavardhan Reddy S/o Sri Yugandhar Reddy
   R/o C/o Plot No.86/A-1, Survey No.176[P], Kothapet village,

Uppal Mandal, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction in the nature of *Writ of Mandamus* or otherwise declaring that the in action of the respondent 1 to 4 in failing to take any action on the basis of the representations of the petitioners and also failing to act in response to the proceedings in Annexure IV of the Competent Authority, Urban Land Ceilings, Hyderabad dt. 17/12/2004 bearing letter No.J2/11038/76 as illegal, arbitrary and consequently direct the said Respondent i.e., Respondent 1 to 4 herein to safeguard and keep the land bearing Sy.No.176 [part], Kothapet village, Uppal Mandal, Ranga Reddy District from encroachment or illegal activity including any construction or attempting to change the nature of the said property in any manner whatsoever and be pleased to pass such other order or orders as this Honourable Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.VILAS V.AFZULPURKAR

Counsel for the Respondent No1 & 2.: GP FOR REVENUE

Counsel for the Respondent No.3: P. Radhakrishna

Counsel for the Respondent No.4: T. Viswanatha Reddy

The Court made the following:

THE HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No.1400 of 2005

ORDER:

This writ petition is filed, seeking a declaration that the action of the respondents 1 to 4 in not taking any action in response to the proceedings of the Competent Authority, Urban Land Ceilings, Hyderabad, dated 17.12.2004 bearing Letter No.J2/11038/76, as arbitrary and illegal.

As can be seen from the material on record, on a declaration made by the 5th respondent herein under the provisions of the Urban Land Ceiling & Regulations Act (for short, 'the Act'), the Competent Authority passed final orders under Section 8(4) of the Act on 5-12-1994. Aggrieved by the same, the 1st petitioner herein who claims to be a protected tenant filed an Appeal under Section 33 of the Act. By proceedings dated 27.08.2004 the said Appeal No.Hyd/9/2002 was disposed of by the Chief Commissioner of Land Administration, Andhra

Pradesh, thereby setting aside the final orders passed under Section 8(4) of the Urban Land Ceilings & Regulations Act, 1976 and remanding the matter to the Competent Authority for fresh enquiry by issuing notices to the appellant as well as the declarant. Admittedly, the said proceedings are still pending before the Competent Authority.

While so, the petitioners alleged that the 6th respondent herein who claims to have purchased 575 sq.yards, out of the land in question from the 5th respondent, has been making constructions in the said land without obtaining the Urban Land Ceiling Permission. In the circumstances, on a representation made by the petitioner, the Special Officer and Competent Authority, Urban Land Ceilings, Hyderabad by proceedings No.J2/11038/76, dated 17.12.2004, requested the respondents 2 and 3 to take necessary steps forthwith to stop the illegal construction and to safe-guard the land, till the case is decided. The petitioners alleged that in spite of the aforesaid proceedings, the respondents 1 to 3 have not taken any steps and the 6th respondent has been proceeding with the illegal constructions. Hence, this writ petition.

Having regard to the facts and circumstances of the case and having heard the learned counsel for the petitioners and the learned Counsel for the respondents 1 to 4, the writ petition is disposed of with a direction to the respondents 1 to 3 to enquire into the alleged constructions as specified in the letter of the Special Officer and Competent Authority, Urban Land Ceilings, Hyderabad dated 17.12.2004 and to pass appropriate orders in accordance with law after affording due opportunity to all the persons concerned to rebut the allegations.

With the above direction, the writ petition is disposed of. No costs.

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(G. ROHINI, J)

Date: 02.02.2005

Note: Issue C.C. by Monday.

B.O.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Collector, Ranga Reddy District.
   Lakdi-Ka-Pool, Hyderabad.
2. The Mandal Revenue Officer Uppal Mandal, Ranga Reddy District
   Uppal.
3 The Commissioner L.B. Nagar Municipality,
   Ranga Reddy District. L.B. Nagar.
4 The Hyderabad Urban Development Authority,

Begumpet, Hyderabad.

5. Two C. Cs to G.P. for Revenue, High Court Buildings,

Hyderabad (OUT).

6 Two C.D. copies

*Form-NIC-OGS/WP{**GR**}*